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7 Attorneys for the Arizona State Board of Pharmacy

8 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

9 In the Matter of

10 **NOEL JEANNE LANCE,**

11 Holder of License No. T025501
12 As a Pharmacy Technician Trainee
13 In the State of Arizona

Board Case No. 11-0033-PHR

**CONSENT AGREEMENT
FOR PROBATION**

14 In the interest of a prompt and judicious settlement of this case, consistent with the
15 public interest, statutory requirements and the responsibilities of the Arizona State Board
16 of Pharmacy ("Board") under A.R.S. § 32-1901, *et. seq.*, Noel Jeanne Lance
17 ("Respondent"), holder of Pharmacy Technician Trainee License Number T025501 in the
18 State of Arizona, and the Board enter into the following Recitals, Findings of Fact,
19 Conclusions of Law and Order ("Consent Agreement") as a final disposition of this
20 matter.

21 **RECITALS**

22 1. Respondent has read and understands this Consent Agreement and has had
23 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
24 opportunity to discuss this Consent Agreement with an attorney.
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26

1 2. Respondent understands that she has a right to a public administrative
2 hearing concerning the above-captioned matter, at which hearing she could present
3 evidence and cross examine witnesses. By entering into this Consent Agreement,
4 Respondent knowingly and voluntarily relinquishes all right to such an administrative
5 hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or
6 any other administrative and/or judicial action, concerning the matters set forth herein.

7 3. Respondent affirmatively agrees that this Consent Agreement shall be
8 irrevocable.

9 4. Respondent understands that this Consent Agreement or any part of the
10 agreement may be considered in any future disciplinary action by the Board against her.

11 5. Respondent understands this Consent Agreement deals with Board
12 Complaint No. 3887 involving allegations of unprofessional conduct against Respondent.
13 The investigation into these allegations against Respondent shall be concluded upon the
14 Board's adoption of this Consent Agreement.

15 6. Respondent understands that this Consent Agreement does not constitute a
16 dismissal or resolution of any other matters currently pending before the Board, if any,
17 and does not constitute any waiver, express or implied, of the Board's statutory authority
18 or jurisdiction regarding any other pending or future investigation, action or proceeding.

19 7. Respondent also understands that acceptance of this Consent Agreement
20 does not preclude any other agency, subdivision, or officer of this State from instituting
21 any other civil or criminal proceedings with respect to the conduct that is the subject of
22 this Consent Agreement.

23 8. Respondent acknowledges and agrees that, upon signing this Consent
24 Agreement and returning this document to the Board's Executive Director, she may not
25 revoke her acceptance of the Consent Agreement or make any modifications to the
26

document regardless of whether the Consent Agreement has been signed by the Executive Director. Any modification to this original document is ineffective and void unless mutually agreed by the parties in writing.

9. This Consent Agreement is subject to the approval of the Board and is effective only when accepted by the Board and signed by the Executive Director. In the event that the Board does not approve this Consent Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any action by any party, except that the parties agree that should the Board reject this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced by its review and discussion of this document or any records relating thereto.

10. If a court of competent jurisdiction rules that any part of this Consent Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement shall remain in full force and effect.

11. Respondent understands that this Consent Agreement is a public record that may be publicly disseminated as a formal action of the Board and may be reported as required by law to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

12. Respondent understands that any violation of this Consent Agreement constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-1901.01(B)(16), -1927.01(A)(1).

13. Respondent agrees that the Board will adopt the following Findings of Fact, Conclusions of Law and Order.

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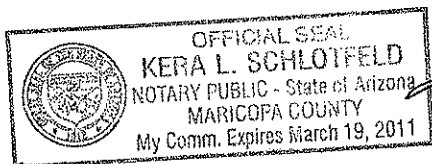
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1 ACCEPTED AND AGREED BY RESPONDENT

2 
3 Noel Jeanne Lance

Dated: 12-06-10

4 Subscribed and sworn to before me in the County of Maricopa, State of Arizona,
5 this 6 day of December, 2010, by Noel Jeanne Lance.



7 NOTARY PUBLIC

8 My Commission expires: March 19, 2011

9
10 **FINDINGS OF FACT**

11 1. The Board is the duly constituted authority for licensing and regulating the
12 practice of pharmacy in the State of Arizona.

13 2. Respondent is the holder of license number T025501 to practice as a
14 pharmacy technician trainee in the State of Arizona.

15 3. In October 2010, Respondent tested positive for THC (marijuana) on a pre-
16 externship drug screen.

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18 **CONCLUSIONS OF LAW**

19 1. The Board possesses jurisdiction over the subject matter and over
20 Respondent pursuant to A.R.S. § 32-1901 *et seq.*

21 2. The Board may discipline a Pharmacy Technician Trainee who has engaged
22 in unprofessional conduct. A.R.S. § 32-1927.01(A)(1).

23 3. The conduct and circumstances described above constitutes unprofessional
24 conduct pursuant to A.R.S. § 32-1901.01(C)(8) (Violating a federal or state law or
25 administrative rule relating to marijuana, prescription-only drugs, narcotics, dangerous
26

1 drugs, controlled substances or precursor chemicals when determined by the Board or by
2 conviction in a federal or state court).

3 4. The conduct and circumstances described above constitute a violation of
4 A.R.S. § 13-3405(A)(1) (A person shall not knowingly possess or use marijuana).

5 **ORDER**

6 Based upon the above Findings of Fact and Conclusions of Law, IT IS HEREBY
7 ORDERED as follows:

8 1. Respondent's license number T025501 is immediately placed on
9 **PROBATION** for a period of **one (1) year** from the effective date of this Consent
10 Agreement. During the term of PROBATION, Respondent shall undergo random
11 urinalysis testing by Treatment Assessment Screening Center ("TASC")¹ not less than
12 two times per month when not working in a pharmacy and not less than four times per
13 month when working in a pharmacy. The urinalysis shall be a 12-panel screen,
14 specifically to include marijuana testing. Respondent shall enroll in the testing program
15 within 10 days of the effective date of this Consent Agreement. Respondent shall furnish
16 TASC with a copy of this Board Order and shall authorize and require TASC to submit
17 test results directly to the Board. In addition, Respondent shall require TASC to
18 immediately notify the Board of any failure by Respondent to appear and be tested when
19 requested to do so by TASC.

20 2. Respondent shall pay all necessary fees and costs to complete the testing
21 required by this Consent Agreement.

22 3. Respondent shall provide written notification to the Board within ten (10)
23 days of obtaining employment in a pharmacy or of any subsequent change in pharmacy
24 employment status.

25
26 ¹ In the event that Respondent wishes to change testing providers, a written request for the approval of a different
provider must be made in writing to Board staff. Board staff must approve any alternative test provider.

1 4. Throughout the term of Respondent's probation, Respondent shall
2 personally appear before the Board when requested to do so by the Board or Board staff.

3 5. Respondent shall obey all federal and state laws and rules governing
4 pharmacy technician trainees.

5 6. If Respondent violates this order in any way or fails to fulfill the
6 requirements of this order, the Board, after giving the respondent notice and the
7 opportunity to be heard, may revoke, suspend or take other disciplinary actions against
8 Respondent's license. The issue at such a hearing will be limited solely to whether this
9 order has been violated.

10 7. Respondent shall appear before the Board at a regularly scheduled Board
11 meeting one (1) year after the effective date of this Consent Agreement to request that the
12 probation imposed by this order be terminated. Respondent's failure to petition the
13 Board to terminate the probation shall extend the probation period.

14
15 DATED this 28th day of JANUARY, 2011

16
17 ARIZONA STATE BOARD OF PHARMACY

18 (Seal)

19
20 By: 

HAL WAND, R.Ph.
Executive Director

1 ORIGINAL OF THE FORGOING FILED
this 28 day of Jan, 2011

2 Arizona State Board of Pharmacy
3 1700 West Washington, Suite 250
4 Phoenix, Arizona 85007

5 EXECUTED COPY OF THE FOREGOING MAILED
BY CERTIFIED MAIL
this 28 day of Jan, 2011

6 Noel Jeanne Lance
7 4040 W. Peoria Ave.
8 Phoenix, Arizona 85029
Respondent

9 EXECUTED COPY OF THE FOREGOING MAILED
this 28 day of Jan, 2011

10 Elizabeth A. Campbell
11 Assistant Attorney General
12 1275 W. Washington Street, CIV/LES
13 Phoenix, Arizona 85007
Attorney for the Board

14 _____
#1342677